

**FILED**  
Clerk  
District Court

**JUL 19 2007**

**For The Northern Mariana Islands**  
**By** \_\_\_\_\_  
**(Deputy Clerk)**

**BARCINAS\_F.gar4a**

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Attorney's for United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCA S. BARCINAS,

Defendant,

COMMUNITY ALTERNATIVES  
KENTUCKY, INC.,

Garnishee.

CIVIL CASE NO. 99-0024

**NOTICE OF POST-JUDGMENT  
CLERK'S GARNISHMENT;  
INSTRUCTIONS TO  
DEFENDANT-JUDGMENT DEBTOR**

**NOTICE OF POST-JUDGMENT CLERK'S GARNISHMENT:**

**INSTRUCTIONS TO DEFENDANT-JUDGMENT DEBTOR**

You are hereby notified that your salary at Community Alternatives Kentucky, Inc. is being taken by the United States of America which has a judgment in Civil Case No. 99-0024, District for the Northern Mariana Islands in the principal amount \$17,474.60 plus accrued interest to March 25, 1999 in the amount of \$2,829.18 and interest thereafter to the date of judgment at the rate of 4.0 percent per annum, and interest from the date of judgment at the legal rate until paid in full; together with costs, including \$150.00 in filing fees under 28 U.S.C. § 2412(a)(2) and 28 U.S.C. § 1914(a), administrative fees in the amounts of \$609.11, fees; and for such other and further relief as this Court deems just and proper.

1 There is a balance of \$3,689.96, as of July 13, 2007. (\$3,680.59 principal + \$9.37 int. to  
2 07-13-2007).

3 In addition, you are hereby notified that there are exemptions under the law which may  
4 protect some of the property from being taken by the Government if you, FRANCISCA S.  
5 BARCINAS can show that the exemptions apply. Attached is a summary of the major  
6 exemptions which apply in most situations in the Commonwealth of the Northern Mariana  
7 Islands.

8 If you are FRANCISCA S. BARCINAS you have a right to ask the court to return your  
9 property to you if you think you do not owe the money to the Government that it claims you do,  
10 or if you think the property the Government is taking qualifies under one of the above  
11 exemptions.

12 If you want a hearing, you must notify the court within 20 days after receipt of the notice.  
13 Your request must be in writing.

14 If you wish, you may use the attached request for hearing. You must either mail it or  
15 deliver it in person to the Clerk of the United States District Court for the Northern Mariana  
16 Islands, 2<sup>nd</sup> Floor, Horiguchi Building, Garapan, P.O. Box 500687, Saipan, MP 96950. You  
17 must also send a copy of your request to the United States Attorney's Office, Sirena Plaza,  
18 Suite 500, 108 Hernan Cortez Avenue, Hagåtña, Guam 96910, so the Government will know you  
19 want a hearing.

20 The hearing will take place within five (5) days after the Clerk receives your request, if  
21 you ask for it to take place that quickly, or as soon after that as possible.

22 At the hearing you may explain to the judge why you think you do not owe the money to  
23 the Government. If you do not request a hearing within 20 days of receiving this notice, your  
24 property may be sold at public auction and the proceeds of the sale will be applied to the debt  
25 you owe the Government.

26 //

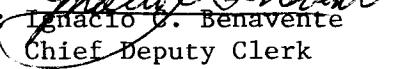
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1 If you think you live outside the Federal judicial district in which the court is located, you  
2 may request, not later than 20 days after you receive this notice, that this proceeding to take your  
3 property be transferred by the court to the Federal judicial district in which you reside. You  
4 must make your request in writing, and either mail it or deliver it in person to the Clerk of the  
5 Court at the United States District Court for the Northern Mariana Islands, 2<sup>nd</sup> Floor, Horiguchi  
6 Building, Garapan, P.O. Box 500687, Saipan, MP 96950. You must also send a copy of your  
7 request to the Government at U.S. Attorney's Office, Sirena Plaza, Suite 500, 108 Hernan Cortez  
8 Avenue, Hagåtña, Guam 96910, so the Government will know you want the proceeding to be  
9 transferred.

10 Be sure to keep a copy of this notice for your own records. If you have any questions  
11 about your rights or about this procedure, you should contact a lawyer, an office of public legal  
12 assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer  
13 you to other sources of information.

14  
15  
16  
17 GALO L. PEREZ  
18 Clerk of Court  
19 District Court for the Northern  
20 Mariana Islands

21 BY:   
22 Ignacio G. Benavente  
23 Chief Deputy Clerk  
24 U.S. District Court  
25 Northern Mariana Islands  
26  
27  
28

1 **BARCINAS\_F.gar4a**

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3  
4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN MARIANA ISLANDS  
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 FRANCISCA S. BARCINAS,

11 Defendant,

12 COMMUNITY ALTERNATIVES  
13 KENTUCKY, INC.,

14 Garnishee.  
15

CIVIL CASE NO. 99-0024

**REQUEST FOR HEARING**

16 REQUEST FOR HEARING

17 Pursuant to 28 U.S.C. § 3202, I Request that the Court hold a hearing in this matter and  
18 further state that:  
19

20 \_\_\_\_\_ I do not owe the money to the Government as it says I do.

21 \_\_\_\_\_ The property that the Government is taking is exempt.  
22

23 DATED: \_\_\_\_\_

\_\_\_\_\_  
FRANCISCA S. BARCINAS

24  
25 Address: \_\_\_\_\_

26  
27 Telephone Number: \_\_\_\_\_  
28

CLAIM FOR EXEMPTION FORMMAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- \_\_\_ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- \_\_\_ 2. Veterans benefits (38 U.S.C. § 3101).
- \_\_\_ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 562).
- \_\_\_ 3. Federal Civil Service Retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- \_\_\_ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- \_\_\_ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- \_\_\_ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- \_\_\_ 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6a above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- \_\_\_ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- \_\_\_ 7. **Bankruptcy Code** (Title 11, U.S.C. § 522) generally provides exemptions for:
- \_\_\_ 7a. \$20,200.00 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

- \_\_\_ 7b. \$3,225.00 in equity in a motor vehicle.

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

- \_\_\_ 7c. \$1,350.00 in jewelry.

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

- \_\_\_ 7d. \$10,775.00 in personal property. (However, no single item worth more than \$525.00 can be exempt.)

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

- \_\_\_ 7e. \$1,075.00 in property, plus up to \$10,125.00 of any unused amount of the exemption provided in number 7(a) above.
- Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_
- \_\_\_ 7f. \$2,025.00 in equity in any implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor.
- Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_
- \_\_\_ 7g. Any unmatured life insurance contract the debtor owns, other than credit life insurance.
- Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_
- \_\_\_ 7h. The aggregate value, up to \$10,775.00, of any accrued dividend or interest under, or loan value of, any unmatured life insurance contract the debtor owns, but only if the debtor is the insured or the debtor is a dependant of the insured.
- Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_
- \_\_\_ 7i. Professional prescribed health aids for the debtor or the debtor's dependants.
- Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_
- \_\_\_ 7j. Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support and separate maintenance, to the extent these items are reasonably necessary for your support or the support of you dependants.
- Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_
- \_\_\_ 7k. A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).
- Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

- \_\_\_ 71. The debtor's right to receive, or property that is traceable to:
- an award under a crime victim's reparation law;
  - a payment on account of the wrongful death of an individual of whom the debtor was a dependant, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants;
  - a payment under a life insurance contract that the insured the life of an individual of whom the debtor was a dependent on the date of such individual's death, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants;
  - a payment, not to exceed \$20,200.00, on account of personal bodily injury suffered by the debtor or by an individual of whom the debtor is a dependant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
  - a payment in compensation of loss of the debtor's future earnings or the future earnings of an individual of whom the debtor is, or was, a dependant, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants.

Property Claimed: \_\_\_\_\_  
 Fair market Value \$ \_\_\_\_\_

- \_\_\_ 8. Compensation for war risk hazards (42 U.S.C. § 1717).

**NOTE:** If you have selected the Bankruptcy Code exemptions (Line 7 above), you may not also claim the exemptions listed below.

#### MAJOR EXEMPTIONS UNDER THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS LAW

**NOTE:** If you select the exemptions available under commonwealth law, the law of the commonwealth where you have been domiciled for the greater part of the last 180 days governs your rights.

Relevant provisions of the Commonwealth of the Marianas Code Title 7, Div. 4 § 4210 allow the following exemptions:

\_\_\_ 9. **Debtor's Homestead**

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

- \_\_\_ 10. **Personal Property** - All necessary household furniture, cooking and eating utensils, and all necessary wearing apparel, bedding and provision for household use sufficient for four months.

Property Claimed: _____	Fair Market Value
_____	\$ _____
_____	\$ _____

- \_\_\_\_ 11. **Necessities for Trade or Occupation** - All tools, implements, utensils, two work animals, and equipment necessary to enable the person against whom the attachment or execution is issued to carry on his or her usual occupation.

Property Claimed: \_\_\_\_\_

Fair Market Value

\$ \_\_\_\_\_

\$ \_\_\_\_\_

- \_\_\_\_ 12. **Land and interest in Land** - All interests in land, but any interest owned solely by a judgment debtor, in his or her own right, may be ordered sold or transferred under order in aid of judgment if the Court making the order deems that justice so requires and finds as a fact that after the sale or transfer, the debtor will have sufficient land remaining to support himself or herself and those persons directly dependent on the debtor according to recognized local custom and the law of the Commonwealth. No person not of Northern Marianas descent may acquire any interest to such land, by sale, transfer, or otherwise, except as otherwise provided by law.

Amount Claimed: \$ \_\_\_\_\_

The statements made in this claim of entitlement to exemptions and the fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Defendant's printed or typed name